

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Shigeru Yokono et al.
Appl. No.: 10/016,242
Conf. No.: 7869
Filed: October 30, 2001
Title: DOWNLOADING SYSTEM
Art Unit: 2155
Examiner: Tran, Philip B.
Docket No.: 112857-250

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESUBMISSION OF FOREIGN PATENT OFFICE SEARCH REPORT

REMARKS

Applicants are resubmitting herewith an English-language translation of a patent search report associated with Japanese Patent Application No. 09-305612 that corresponds to the above-referenced patent application. The search report was first submitted along with additional other information disclosure statement material on January 31, 2007. Based on discussions between the undersigned attorney of record and the Examiner of record of this case, apparently, the Examiner did not receive a copy of same when reviewing the IDS material to consider for entry in the examination of the present application.

However, Applicants believe that the search report was transmitted and that the Examiner should have received a copy of same. In this regard, Applicants filed the three-page search report (3 pages) along with an Amendment After Final (6 pages), Information Disclosure Statement Transmittal Letter (2 pages), and Information Disclosure Statement (3 pages) on January 31, 2007. This submission totaled 14 pages and was submitted electronically in a document identified as 112857-250amendmentids.pdf on the USPTO electronic transmission form, a copy of which is attached herewith as Exhibit A. Applicants then received an Acknowledgment of Receipt of the search report electronically submitted with the other documents totaling 14 pages as previously discussed. A copy of the Acknowledgment Receipt is attached herewith as Exhibit B. Moreover, Applicants are submitting herewith another copy of the search report along with the other electronically-submitted documents totaling 14 pages for review and consideration as attached herewith as Exhibit C.

In view of same, Applicants respectfully request that the references cited in the Information Disclosure Statement submitted along with the search report be entered for examination purpose based on the search report. In this regard, each of the references were also cited in the search report on pages 2 and 3 thereof. Further, the search report indicated that "this record of the result of the previous technique references searched is not the reason for refusal." Therefore, Applicants believe that the search report should be considered as evidence pertaining to the relevancy of the references cited in the IDS statement, and thus, should be sufficient support as a basis to enter the references listed on the IDS for examination purpose pursuant to standard US Patent Office procedures regarding same. In relevant part, MPEP §609.04(a)(III) provides that:

Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office.

Accordingly, Applicants request that the references listed in Applicants' previously submitted IDS be acknowledged as entered on the record for examination purpose. In this regard, Applicants are resubmitting herewith the IDS statement for acknowledgment of same and entry on the record. The resubmitted IDS statement is attached herewith in Exhibit C.

If the Patent Office should have any questions regarding this request, Applicants kindly request that the undersigned attorney be contacted directly and if appropriate by telephone to resolve any further and potential issues regarding same.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY


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Dated: March 21, 2007